

# **FIFTEENTH DAY - JANUARY 30, 2002**

## **LEGISLATIVE JOURNAL**

### **NINETY-SEVENTH LEGISLATURE SECOND SESSION**

#### **FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 30, 2002

#### **PRAYER**

The prayer was offered by Senator Kruse.

#### **ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senator McDonald who was excused; and Senators Brashear, Bromm, Cunningham, Engel, Hartnett, Landis, Maxwell, Dw. Pedersen, D. Pederson, and Raikes who were excused until they arrive.

#### **CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

#### **NOTICE OF COMMITTEE HEARINGS**

**Judiciary**  
Room 1113

LB 949	Wednesday, February 6, 2002	1:30 PM
LB 1067	Wednesday, February 6, 2002	1:30 PM
LB 1091	Wednesday, February 6, 2002	1:30 PM
LB 1187	Wednesday, February 6, 2002	1:30 PM
LB 1287	Wednesday, February 6, 2002	1:30 PM
LB 1303	Wednesday, February 6, 2002	1:30 PM
LB 1005	Thursday, February 7, 2002	1:30 PM
LB 1217	Thursday, February 7, 2002	1:30 PM
LB 1220	Thursday, February 7, 2002	1:30 PM
LB 983	Friday, February 8, 2002	1:30 PM
LB 1202	Friday, February 8, 2002	1:30 PM

LB 1223	Friday, February 8, 2002	1:30 PM
LB 910	Wednesday, February 13, 2002	1:30 PM
LB 927	Wednesday, February 13, 2002	1:30 PM
LB 1120	Wednesday, February 13, 2002	1:30 PM
LB 1265	Wednesday, February 13, 2002	1:30 PM
LB 1279	Wednesday, February 13, 2002	1:30 PM
LB 1115	Thursday, February 14, 2002	1:30 PM
LB 1156	Thursday, February 14, 2002	1:30 PM
LB 1282	Thursday, February 14, 2002	1:30 PM
LB 1293	Thursday, February 14, 2002	1:30 PM
LB 1181	Wednesday, February 20, 2002	1:30 PM
LB 1182	Wednesday, February 20, 2002	1:30 PM
LB 1218	Wednesday, February 20, 2002	1:30 PM
LB 1268	Wednesday, February 20, 2002	1:30 PM
LB 1283	Wednesday, February 20, 2002	1:30 PM
LB 895	Thursday, February 21, 2002	1:30 PM
LB 979	Thursday, February 21, 2002	1:30 PM
LB 1061	Thursday, February 21, 2002	1:30 PM
LB 1093	Thursday, February 21, 2002	1:30 PM
LB 1227	Thursday, February 21, 2002	1:30 PM
LB 1266	Thursday, February 21, 2002	1:30 PM
LB 865	Wednesday, February 27, 2002	1:30 PM
LB 1278	Wednesday, February 27, 2002	1:30 PM
LB 1281	Wednesday, February 27, 2002	1:30 PM
LB 1289	Wednesday, February 27, 2002	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

### ANNOUNCEMENTS

Senator Cudaback designates LB 276 as his priority bill.

Senator Thompson designates LB 1073 as her priority bill.

### MOTION - Approve Appointment

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 392: Game and Parks Commission - William L. Grewcock.

Voting in the affirmative, 25:

Aguilar	Connealy	Jensen	Quandahl	Synowiecki
Baker	Dierks	Jones	Redfield	Tyson
Brown	Erdman	Kremer	Schimek	Vrtiska
Burling	Hudkins	Kruse	Schrock	Wehrbein
Byars	Janssen	Price	Stuhr	Wickersham

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Chambers	Foley	Robak	Thompson
Bourne	Coordsen	Kristensen	Smith	
Bruning	Cudaback	Preister	Suttle	

Excused and not voting, 11:

Brashear	Engel	Maxwell	Pederson, D.
Bromm	Hartnett	McDonald	Raikes
Cunningham	Landis	Pedersen, Dw.	

The appointment was confirmed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

## SELECT FILE

**LEGISLATIVE BILL 400.** Considered.

Senator Jensen withdrew his pending motion, found on page 2287, First Session, 2001, to indefinitely postpone LB 400.

Senator Tyson moved to recommit LB 400 to the Health and Human Services Committee.

**SENATOR CUDABACK PRESIDING**

**SPEAKER KRISTENSEN PRESIDING**

Senator Thompson asked unanimous consent to bracket LB 400 to February 7, 2002. No objections. So ordered.

## AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 436:  
AM2470

(Amendments to E & R amendments, AM7150)

- 1 1. On page 5, line 12, before the semicolon insert "as
- 2 the act and regulations existed on the effective date of this act".
- 3 2. On page 11, lines 1 and 5, after the last comma
- 4 insert "as the section existed on the effective date of this act".
- 5 3. On page 14, line 21, after "seq." insert "as the

- 6 act existed on the effective date of this act.  
 7 4. On page 18, line 21, before the semicolon insert "as the regulation existed on the effective date of this act".  
 8 as the regulation existed on the effective date of this act".  
 9 5. On page 30, line 22, after "171" insert "as the  
 10 regulation existed on the effective date of this act.".

Senator Kremer filed the following amendment to LB 777:  
 AM2253

(Amendments to Standing Committee amendments, AM0742)

- 1 1. On page 2, line 13, strike "Published a", show as  
 2 stricken, and insert "Provided"; in line 14 strike "in each region"  
 3 and insert "by publication in a newspaper of general circulation in  
 4 each county in that portion"; in line 19 strike "and natural  
 5 resources district" and insert ", municipality, natural resources  
 6 district, public power district, and other applicable agency or  
 7 entity"; and in line 25 strike "thirty", show as stricken, and  
 8 insert "sixty".  
 9 2. On page 3, line 6, after "commission" insert "or a  
 10 state or federal fish and wildlife agency"; strike line 10 and  
 11 insert "subsection, developed a description of the potential  
 12 impacts, requirements, or"; in line 12 after "rights" insert "on  
 13 behalf of themselves or others"; in line 22 strike "an outline" and  
 14 insert "a description"; and in line 24 strike "and outline" and  
 15 insert ", including an explanation of any changes or modifications  
 16 the commission has made to its proposal as a result of the peer  
 17 review, and the description.".

## STANDING COMMITTEE REPORT

### Education

**LEGISLATIVE BILL 647.** Placed on General File as amended.

Standing Committee amendment to LB 647:

AM2438

- 1 1. Strike the original sections and insert the following  
 2 new section:  
 3 "Section 1. Section 79-1217, Revised Statutes  
 4 Supplement, 2001, is amended to read:  
 5 79-1217. (1) All educational service units, except  
 6 Educational Service Units No. 18 and 19, shall be governed by a  
 7 board to be known as the Board of Educational Service Unit No.  
 8 ..... The educational service unit board shall be composed of  
 9 one member from each county and four members at large, all of whom  
 10 shall reside within the geographical boundaries of the educational  
 11 service unit, but no more than two of the members at large shall be  
 12 appointed or elected from the same county unless any one county  
 13 within the educational service unit has a population in excess of  
 14 one hundred fifty thousand inhabitants or the educational service  
 15 unit consists of only one county. The four candidates who receive  
 16 the highest number of votes for at-large representative shall be

17 elected, except that if more than two of such candidates reside  
18 within the same county which has a population of one hundred fifty  
19 thousand inhabitants or less, the candidates from such county  
20 receiving fewer votes than the two candidates receiving the highest  
21 number of votes for at-large representative from such county shall  
22 not be elected and a vacancy or vacancies shall exist for at-large  
23 representative. The vacancy shall be filled pursuant to subsection  
24 (2) of this section. Successors to the members initially appointed  
1 shall be elected pursuant to section 32-515.

2 (2) Vacancies in office shall occur as set forth in  
3 section 32-560. Whenever any vacancy occurs on the board, the  
4 remaining members of such board shall appoint an individual  
5 residing within the geographical boundaries of the educational  
6 service unit and meeting the qualifications for the office to fill  
7 such vacancy for the balance of the unexpired term.

8 (3) Members of the board shall receive no compensation  
9 for their services but shall be reimbursed for the actual and  
10 necessary expenses incurred in the performance of their duties  
11 under the Educational Service Units Act as provided in sections  
12 81-1174 to 81-1177.

13 (4) Except as provided in subsection (5) of this section,  
14 any ~~local~~ joint school district located in two or more counties  
15 shall be considered a part of the educational service unit in which  
16 the greater number of school-age children of such joint school  
17 district reside. All legal voters of any such joint school  
18 district shall be eligible to hold office as the county  
19 representative of the county in which the greater number of  
20 school-age children reside. Any legal voter of any joint school  
21 district shall be eligible to hold office as the at-large  
22 representative if such legal voter resides within the geographical  
23 boundary of the school district comprising the educational service  
24 unit.

25 (5) Any Class I district which is part of a Class VI  
26 district shall be considered a part of the educational service unit  
27 of which the Class VI district is a member. If the Class VI  
1 district has removed itself from an educational service unit, each  
2 Class I district which is part of such Class VI district may  
3 continue its existing membership in an educational service unit or  
4 may change its status relative to membership in an educational  
5 service unit in accordance with section 79-1209. The patrons of a  
6 Class I district maintaining membership in an educational service  
7 unit pursuant to this subsection shall have the same rights and  
8 privileges as other patrons of the educational service unit, and  
9 the taxable valuation of the taxable property within the geographic  
10 boundaries of such Class I district shall be subject to the  
11 educational service unit's tax levy established pursuant to section  
12 79-1225.

13 (6) The administrator of each educational service unit,  
14 prior to July 1 of each year in which a statewide primary election

15 is to be held, shall certify to the election commissioner or county  
 16 clerk of each county located within the unit the corporate name of  
 17 each school district, as described in section 79-405, located  
 18 within the county. If a school district is a joint school district  
 19 located in two or more counties, the administrator shall certify to  
 20 each election commissioner or county clerk the educational service  
 21 unit of which the school district is considered to be a part.  
 22 (7) Educational Service Unit No. 18 shall be governed by  
 23 the school board of School District 55-001 of Lancaster County.  
 24 (8) Educational Service Unit No. 19 shall be governed by  
 25 the school board of School District 28-001 of Douglas County.  
 26 Sec. 4. Original section 79-1217, Revised Statutes  
 27 Supplement, 2001, is repealed."

(Signed) Ron Raikes, Chairperson

### **SELECT COMMITTEE REPORT** **Enrollment and Review**

**LEGISLATIVE BILL 568.** Placed on Select File as amended.  
 (E & R amendment, AM7154, may be found in the Bill Books. The  
 amendment has been printed separately and is on file in the Bill Room -  
 Room 1102.)

(Signed) Philip Erdman, Chairperson

### **SELECT FILE**

**LEGISLATIVE BILL 435.** Senator Beutler withdrew his pending  
 amendments, AM1728, AM1732, AM1737, AM1731, AM1736, AM1730,  
 AM1733, AM2065, AM2062, AM2059, AM2060, AM2066, and AM2061,  
 found on pages 2050, 2051, 2074, and 2075, First Session, 2001.

Senator Dierks withdrew his pending amendment, AM2279, found on page  
 409.

Senator Dierks offered the following amendment:  
 AM2487

(Amendments to E & R amendments, AM7119)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Agricultural Suppliers Lease Protection
- 5 Act.
- 6 Sec. 2. The Legislature finds that agricultural
- 7 production in this state is highly dependent upon businesses
- 8 providing inputs for agricultural producers and markets for
- 9 agricultural commodities which have historically located on lands
- 10 owned and served by railroads. It is vital to the continued

11 prosperity of agriculture that such businesses maintain reasonable  
12 access to rail service and maintain reasonable terms of tenancy  
13 upon land owned by railroads or their successors in interest. The  
14 Legislature also finds that agribusiness leaseholders' substantial  
15 investments in structures and improvements unique to their rail  
16 location, as well as dependency on rail access, place them at a  
17 disadvantage in negotiating lease renewals. The Legislature  
18 further finds that given the substantial investment in structures  
19 and improvements made by agribusiness leaseholders, it is equitable  
20 that such agribusiness leaseholders have a right of first refusal  
21 to purchase the land they lease, should it be offered for sale.  
22 The purpose of the Agricultural Suppliers Lease Protection Act is  
23 to establish a system for fair resolution of lease disputes that  
1 may arise between railroad property owners or their successors and  
2 agribusiness tenants and to guard against unreasonable lease  
3 renewal terms or unjust lease termination.

4 Sec. 3. For purposes of the Agricultural Suppliers Lease  
5 Protection Act:

6 (1) Agricultural tenant means any public warehouse  
7 licensee as defined in section 88-526, any livestock auction market  
8 as defined in section 54-1158, or any other persons primarily  
9 engaged in the sale or distribution of fertilizer or agricultural  
10 chemicals or farm implements, machinery, or equipment occupying  
11 railroad land owned or controlled by a railroad or its grantee or  
12 successor in interest;

13 (2) Fair market lease rate means the lease rate of  
14 comparable commercial properties adjusted according to accepted  
15 appraisal standards which may include, but are not necessarily  
16 limited to, lease terms, market conditions, location, physical  
17 characteristics, economic characteristics stipulated in the lease,  
18 and nonrealty components or, in the absence of comparability, the  
19 lease rate as determined by comparable rates of return realized on  
20 the lease of other commercial property in proximity to the lease  
21 site.

22 (3) Good faith means honesty in fact in the conduct of  
23 the transaction concerned;

24 (4) Lease means any agreement between a railroad and a  
25 tenant under the terms of which a tenant occupies the surface of  
26 railroad land;

27 (5) Railroad land means any land acquired by a railroad  
1 in strips for right-of-way and any parcel or tract acquired by a  
2 railroad adjacent to its right-of-way to aid in the construction,  
3 maintenance, and accommodation of its railway and which is occupied  
4 pursuant to a lease by a tenant who owns substantial improvements  
5 thereon;

6 (6) Substantial improvements means buildings or other  
7 structures or fixtures to structures that are permanent in nature  
8 and includes equipment that is affixed to real property or  
9 structures; and

10 (7) Successor in interest includes any agent, successor,  
11 assignee, trustee, receiver, or other person acquiring interests or  
12 rights in railroad land, including, but not limited to, the owner  
13 or holder of any servient estate or right of reversion relating to  
14 railroad land.

15 Sec. 4. (1) Except when an owner of railroad land has  
16 received a bona fide, third-party offer to lease the property that  
17 the owner desires to accept, at the expiration of an existing  
18 lease, the agricultural tenant shall be given the opportunity to  
19 renew the lease at fair market lease rate. If a bona fide  
20 third-party offer has been made to lease the property that the  
21 owner desires to accept, then the agricultural tenant shall be  
22 given first opportunity for a period of thirty days after receipt  
23 of written notice of such third-party offer to renew the lease at a  
24 rate that is substantially equal in value to the third-party offer.

25 (2) All controversies regarding application and  
26 reasonableness of lease terms and conditions or fair market lease  
27 rate arising between a railroad or its successor in interest and an  
1 agricultural tenant who is the owner, lessee, or licensee of a  
2 substantial improvement situated on railroad land owned or  
3 controlled by the railroad or its successor in interest shall be  
4 resolved by negotiation or by Department of Agriculture action.

5 (3) The parties shall first negotiate in good faith to  
6 resolve any controversy. If any such controversy is not resolved  
7 within sixty days after notification is given to an agricultural  
8 tenant by a railroad or its successor in interest that it wishes to  
9 (a) renew a lease upon new terms, (b) terminate a lease, (c) not  
10 renew a lease upon the expiration of a current lease, or (d) change  
11 the terms of an existing lease, then either party may file a  
12 complaint with the department setting forth facts upon which such  
13 complaint is based.

14 (4) The department, after reasonable notice to the  
15 parties, shall hear and determine all matters in controversy and  
16 make such order as the facts of the controversy warrant. In  
17 conducting its hearing, the department shall have those powers  
18 granted to it under the Administrative Procedure Act. Any person  
19 shall have the right to appeal from such order in accordance with  
20 the act.

21 Sec. 5. (1)(a) Except when an owner of railroad land has  
22 received a bona fide, third-party offer to purchase the property  
23 that the owner desires to accept, if a railroad or its successor in  
24 interest wishes to sell or offer to sell property leased to an  
25 agricultural tenant upon which substantial improvements owned by  
26 the agricultural tenant are located, then, except when the sale or  
27 offer to sell is made to a purchaser who is a common carrier who  
1 intends to operate a railroad on railroad right-of-way adjacent to  
2 the leased property for the public benefit or a purchaser who  
3 intends to use the railroad land for interim trail use under the  
4 National Trails System Act, 16 U.S.C. 1243, as such act existed on



5 the effective date of this act, the railroad or its successor in  
6 interest shall first extend to the agricultural tenant a written  
7 offer to sell the railroad land to the agricultural tenant at fair  
8 market value. (b) If a bona fide third-party offer that a railroad  
9 or its successor in interest desires to accept has been made to  
10 purchase property leased to an agricultural tenant upon which  
11 substantial improvements owned by the agricultural tenant are  
12 located, the railroad or its successor in interest shall first  
13 extend to the agricultural tenant a written offer to sell the  
14 railroad land at a price that is substantially equal in value to  
15 such third-party offer of purchase. If the agricultural tenant  
16 does not accept such written offer within thirty days after receipt  
17 of the offer, then the railroad or its successor in interest may  
18 sell the property to the third party, and such third party is not  
19 bound under this section.

20 (2) The agricultural tenant shall have thirty days after  
21 a written offer made to the agricultural tenant pursuant to  
22 subdivision (1)(a) of this section to give written notice of either  
23 (a) acceptance of the offer to sell and of the offerer's  
24 determination of fair market value or (b) acceptance of the offer  
25 to sell and rejection of the offerer's determination of fair market  
26 value in which case the parties shall negotiate the fair market  
27 value and, if the parties cannot agree, the agricultural tenant  
1 shall have sixty days after the agricultural tenant gives notice of  
2 rejection to file a complaint with the Department of Agriculture  
3 seeking determination of fair market value.

4 (3) The Department of Agriculture, after reasonable  
5 notice to the parties, shall hear and determine the fair market  
6 value of the land offered for sale and make such order as the facts  
7 of the controversy warrant. In conducting its hearing, the  
8 department shall have those powers granted it under the  
9 Administrative Procedure Act. Any person shall have the right to  
10 appeal from such order in accordance with the act.

11 (4) If the agricultural tenant fails to give timely  
12 notice or to file a timely complaint under subsection (2) of this  
13 section or fails to complete the purchase of the railroad land  
14 within sixty days after the fair market value has been accepted by  
15 the agricultural tenant or determined by the department, unless the  
16 delay in completing the purchase is attributable to the railroad or  
17 its successor in interest, the railroad or its successor in  
18 interest may sell or offer to sell the railroad land to any  
19 purchaser and such purchaser shall not be bound by this section.  
20 If the railroad land is sold to a purchaser which will use the  
21 railroad land for railroad operating purposes or for interim trail  
22 use as described in subdivision (1)(a) of this section, then the  
23 purchaser shall be bound by all of the provisions of the  
24 Agricultural Suppliers Lease Protection Act.

25 Sec. 6. (1) The Department of Agriculture, in  
26 consultation with the parties, may employ the services of a

27 certified general real estate appraiser when determination of fair  
1 market value is a matter in controversy or relevant to the hearing  
2 and determination of the matter in controversy.

3 (2) All costs incurred by the department hearing and  
4 determining all matters in controversy pursuant to the Agricultural  
5 Suppliers Lease Protection Act shall be paid equally by the  
6 parties.

7 Sec. 7. (1) The Agricultural Suppliers Lease Protection  
8 Act shall not apply to any valid lease entered into prior to the  
9 effective date of this act or any renewal or extension thereof on  
10 the same terms and conditions, but the provisions of the act shall  
11 apply to and govern any renewal or extension of such lease on any  
12 different terms or conditions or any material modifications of any  
13 such lease effected on or after the effective date of this act.

14 (2) Any party having a right of first refusal or right of  
15 renewal under the Agricultural Suppliers Lease Protection Act shall  
16 be barred from making any subsequent claim to possession or title  
17 to the railroad land if it fails to bring an action asserting that  
18 it has been denied its right of first refusal or right of renewal  
19 in violation of the act within six months after the date of a lease  
20 or after the expiration of a lease or sale by the railroad to a  
21 party other than the agricultural tenant.

22 Sec. 8. The Agricultural Suppliers Lease Protection Cash  
23 Fund is created. All funds collected by the Department of  
24 Agriculture under the Agricultural Suppliers Lease Protection Act  
25 shall be remitted to the State Treasurer for credit to the fund.  
26 The fund shall be used by the department to aid in defraying the  
27 expenses of administering the act. Any money in the fund available  
1 for investment shall be invested by the state investment officer  
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
3 State Funds Investment Act.

4 Sec. 9. Section 75-109, Revised Statutes Supplement,  
5 2000, is amended to read:

6 75-109. (1) Except as provided in the Agricultural  
7 Suppliers Lease Protection Act and sections 19-4603, 86-803, and  
8 86-808, the commission shall regulate and exercise general control  
9 as provided by law over all common and contract carriers engaged in  
10 the transportation of freight or passengers for hire or furnishing  
11 telecommunications services for hire in Nebraska intrastate  
12 commerce.

13 (2) The commission is authorized to do all things  
14 reasonably necessary and appropriate to implement the federal  
15 Telecommunications Act of 1996, Public Law 104-104, including 47  
16 U.S.C. 251 et seq., as such sections existed on the effective date  
17 of this act, including section 252 of the act which establishes  
18 specific procedures for negotiation and arbitration of  
19 interconnection agreements between telecommunications companies.  
20 Interconnection agreements approved by the commission pursuant to  
21 section 252 of the act may contain such enforcement mechanisms and

22 procedures that the commission determines to be consistent with the  
23 establishment of fair competition in Nebraska telecommunications  
24 markets. In addition, the commission may administratively fine  
25 pursuant to section 75-156 any person who violates any enforcement  
26 mechanism or procedure established pursuant to this subsection.  
27 The authority granted to the commission pursuant to this subsection  
1 shall be broadly construed in a manner consistent with the federal  
2 Telecommunications Act of 1996.  
3 Sec. 10. Original section 75-109, Revised Statutes  
4 Supplement, 2000, is repealed."

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 435A.** Advanced to E & R for engrossment.

### **GENERAL FILE**

**LEGISLATIVE BILL 95.** Senator Chambers renewed his pending amendment, FA830, found on page 401, to the Standing Committee amendment, AM0355, found on page 711, First Session, 2001.

Senators Beutler and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 290 and 291 were adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 290 and 291.

### **STANDING COMMITTEE REPORTS** **Business and Labor**

**LEGISLATIVE BILL 1001.** Placed on General File.

**LEGISLATIVE BILL 921.** Placed on General File as amended.  
Standing Committee amendment to LB 921:  
AM2469

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act becomes operative January 1, 2003.".
- 3 2. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 415.** Indefinitely postponed.

**LEGISLATIVE BILL 456.** Indefinitely postponed.

**LEGISLATIVE BILL 492.** Indefinitely postponed.

**LEGISLATIVE BILL 675.** Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 1089.** Placed on General File.

**LEGISLATIVE BILL 1094.** Placed on General File.

**LEGISLATIVE BILL 1139.** Placed on General File as amended.

(Standing Committee amendment, AM2460, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David M. Landis, Chairperson

### **MOTION - Print in Journal**

Senator Brashear filed the following motion to LB 82A:  
Indefinitely Postpone Legislative Bill 82A.

### **AMENDMENTS - Print in Journal**

Senator Foley filed the following amendment to LB 824:  
AM2492

(Amendments to AM2336)

- 1 1. On page 1, line 11, after the comma insert "the
- 2 following definitions apply".

Senator Chambers filed the following amendment to LB 283:  
AM2477

(Amendments to Standing Committee amendments, AM0118)

- 1 1. On page 14, line 22, strike "from time to time" and
- 2 show as stricken; and in line 23 before the period insert ", as
- 3 such section existed on the effective date of this act".
- 4 2. On page 16, line 20 before "and" insert ", as such
- 5 section existed on the effective date of this act".
- 6 3. On page 20, line 22, after "23 U.S.C. 131" insert "
- 7 as such section existed on the effective date of this act".
- 8 4. On page 22, line 14, after the comma insert "as such
- 9 section existed on the effective date of this act"; in line 15
- 10 after "131" insert ", as such section existed on the effective date

- 11 of this act."; and strike beginning with "as" in line 15 through  
 12 "89-285," in line 16 and show as stricken.
- 13 5. On page 23, line 4, after "23 U.S.C. 131(j)" insert  
 14 "as such section existed on the effective date of this act.";  
 15 strike beginning with "and" in line 5 through "1970" in line 6 and  
 16 show as stricken; and strike beginning with "as" in line 24 through  
 17 "89-285," in line 25 and show as stricken.
- 18 6. On page 24, line 14, after the first comma insert "as  
 19 such section and regulations existed on the effective date of this  
 20 act." and strike beginning with "as" through the period and show as  
 21 stricken.
- 22 7. On page 28, line 11, after the first comma insert "as  
 23 such section existed on the effective date of this act."; in line  
 1 16 after "23 U.S.C. 131(o)" insert "as such section existed on the  
 2 effective date of this act."; and in line 18, after the third  
 3 comma, insert "as such regulation existed on the effective date  
 4 of this act.".
- 5 8. On page 53, line 18, after "Act" insert "as the act  
 6 existed on the effective date of this act.".
- 7 9. On page 56, line 2, strike "as amended", show as  
 8 stricken, and insert "as such section existed on the effective date  
 9 of this act."; and in line 20 before the period insert "as such  
 10 regulation existed on the effective date of this act.".
- 11 10. On page 61, line 21, after the last comma insert "as  
 12 the act existed on the effective date of this act.".

Senator Janssen filed the following amendment to LB 545:  
 AM2478

(Amendments to Standing Committee amendments, AM0571)

- 1 1. Strike beginning with the first comma on page 7, line  
 2 27, through the second "and" on page 8, line 3, and insert "or any  
 3 authorized sales outlet location shall expire on May 31 of every  
 4 even-numbered year or such other date as the department may  
 5 prescribe by rule and regulation, and may be renewed biennially.  
 6 All licenses issued to any lottery worker shall expire on May 31 of  
 7 every odd-numbered year or such other date as the department may  
 8 prescribe by rule and regulation, and".

## GENERAL FILE

**LEGISLATIVE BILL 95.** The Chambers pending amendment, FA830, found on page 401 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Aguilar	Erdman	Kremer	Price	Redfield
Cudaback	Jensen	Pedersen, Dw.	Raikes	

Voting in the negative, 10:

Bromm	Janssen	Quandahl	Schrock	Thompson
Bruning	Landis	Schimek	Smith	Wehrbein

Present and not voting, 27:

Baker	Chambers	Foley	Pederson, D.	Tyson
Beutler	Connealy	Hudkins	Preister	Vrtiska
Bourne	Coordsen	Jones	Robak	Wickersham
Brown	Cunningham	Kristensen	Stuhr	
Burling	Dierks	Kruse	Suttle	
Byars	Engel	Maxwell	Synowiecki	

Excused and not voting, 3:

Brashear	Hartnett	McDonald
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The Chambers amendment lost with 9 ayes, 10 nays, 27 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on his amendment, FA830.

Senators Beutler, Dierks, D. Pederson, Aguilar, Brashear, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 5:

Chambers	Cudaback	Jensen	Pedersen, Dw.	Price
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Voting in the negative, 18:

Baker	Byars	Foley	Maxwell	Thompson
Brown	Connealy	Hudkins	Quandahl	Tyson
Bruning	Engel	Janssen	Smith	
Burling	Erdman	Kruse	Suttle	

Present and not voting, 19:

Bourne	Hartnett	Landis	Robak	Synowiecki
Bromm	Jones	Preister	Schimek	Vrtiska
Coordsen	Kremer	Raikes	Schrock	Wickersham
Cunningham	Kristensen	Redfield	Stuhr	

Excused and not voting, 7:

Aguilar	Brashear	McDonald	Wehrbein
Beutler	Dierks	Pederson, D.	

The Chambers motion to reconsider failed with 5 ayes, 18 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

### **STANDING COMMITTEE REPORTS** **Education**

**LEGISLATIVE BILL 30.** Indefinitely postponed.  
**LEGISLATIVE BILL 94.** Indefinitely postponed.  
**LEGISLATIVE BILL 613.** Indefinitely postponed.  
**LEGISLATIVE BILL 625.** Indefinitely postponed.  
**LEGISLATIVE BILL 708.** Indefinitely postponed.  
**LEGISLATIVE BILL 715.** Indefinitely postponed.  
**LEGISLATIVE BILL 987.** Indefinitely postponed.  
**LEGISLATIVE BILL 1102.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### **ANNOUNCEMENTS**

Senator Aguilar designates LB 1115 as his priority bill.

Senator Burling designates LB 1109 as his priority bill.

### **NOTICE OF COMMITTEE HEARING** **Transportation and Telecommunications** Room 1113

LB 1147      Monday, February 11, 2002 (cancel)

1:30 PM

(Signed) Curt Bromm, Chairperson

### **MOTIONS - Print in Journal**

Senators Vrtiska and Stuhr filed the following motion to LB 1147:  
 Withdraw LB 1147.

Senator Bruning filed the following motion to LR 6CA:  
 Indefinitely postpone LR 6CA.

Senator Bruning filed the following motion to LB 752:  
Indefinitely postpone LB 752.

Senator Bruning filed the following motion to LB 1276:  
Indefinitely postpone LB 1276.

Senator Bruning filed the following motion to LB 1240:  
Indefinitely postpone LB 1240.

### **AMENDMENTS - Print in Journal**

Senator Bruning filed the following amendment to LB 82:  
AM2435

(Amendments to E & R amendments, AM7149)

- 1 1. On page 1, lines 4 and 16, after "person's" insert
- 2 "complete"; and in line 5 after "number" insert ", but may contain
- 3 the last four digits of his or her social security number".
- 4 2. On page 14, line 21; and page 19, line 15, after
- 5 "person's" insert "complete".

Senator Chambers filed the following amendment to LB 95:  
FA831

Amend AM0355

In line 18, after "taxicabs" insert ", hotel or airport buses".

### **NOTICE OF COMMITTEE HEARINGS** **Government, Military and Veterans Affairs** Room 1507

Thursday, February 7, 2002 1:30 PM  
John A. Hilgert, Director - Department of Veterans Affairs

LB 868	Thursday, February 7, 2002	1:30 PM
LB 877	Thursday, February 7, 2002	1:30 PM
LB 964	Thursday, February 7, 2002	1:30 PM
LB 977	Thursday, February 7, 2002	1:30 PM

LB 1084	Friday, February 8, 2002	1:30 PM
LB 1129	Friday, February 8, 2002	1:30 PM
LB 1264	Friday, February 8, 2002	1:30 PM

LB 1018	Wednesday, February 13, 2002	1:30 PM
LB 1031	Wednesday, February 13, 2002	1:30 PM
LB 1123	Wednesday, February 13, 2002	1:30 PM
LB 1200	Wednesday, February 13, 2002	1:30 PM
LB 1233	Wednesday, February 13, 2002	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson



**UNANIMOUS CONSENT - Add Cointroducer**

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 276. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 50 students and teacher from Syracuse High School; 18 seventh grade students and teacher from Stromsburg; and Gretchen Garrison from Hickman and Dani Buhr from Lincoln.

The Doctor of the Day was Dr. Amy Vertin from Lincoln.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2002.

Patrick J. O'Donnell  
Clerk of the Legislature

